

Federal Defenders
OF NEW YORK, INC.

Southern District
52 Duane Street-10th Floor, New York, NY 10007
Tel: (212) 417-8700 Fax: (212) 571-0392

David E. Patton
Executive Director

Southern District of New York
Jennifer L. Brown
Attorney-in-Charge

November 29, 2021

BY ECF

Honorable Jesse M. Furman
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

**Re: United States v. Antonio Velez
21 Cr. 63 (JMF)**

Dear Judge Furman:

I write, as counsel to Antonio Velez in the above-captioned matter, to respectfully request an adjournment of the conference in the above-captioned case, currently scheduled for Wednesday, December 8, 2021. The Government objects to this request.

As the Court is aware, Mr. Velez had two surgeries earlier this year—one on May 28, 2021, and a spinal surgery on July 12, 2021. During Mr. Velez's period of recovery from surgery, he was diagnosed with Stage 2 lung cancer. Mr. Velez began chemotherapy treatment on Wednesday, October 20 and continues to receive treatment. Sadly, recent MRI scans revealed that Mr. Velez's tumor may be resistant to his current treatment plan. *See* Letter from Doctor, Exhibit A. Mr. Velez is currently scheduled for a follow up MRI scan on December 6, 2021, with the intent to schedule surgery thereafter. *Id.*

Accordingly, the defense respectfully requests that the conference in this matter be adjourned to January 2022, at which point Mr. Velez will hopefully be able to move forward with this case. In the alternative, Mr. Velez requests that the Court adjourn this matter to a date that does not fall on a Wednesday, as he anticipates that he will continue receive chemotherapy treatments on Wednesdays.

Should the Court grant an adjournment, the Government requests, with the consent of defense counsel, that the Court exclude time through the next-scheduled conference under the Speedy Trial Act. Such an exclusion would be in the interests of justice as it would allow Mr. Velez time to receive necessary medical treatment. *See* 18 U.S.C. § 3161(h)(7)(A).

Thank you for your consideration of this request.

Respectfully submitted,

/s/

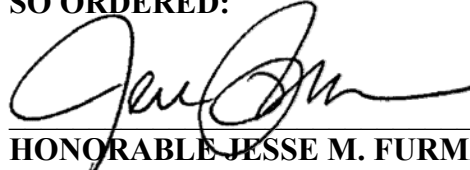
Marne Lenox

Assistant Federal Defender

(212) 417-8721

The Court agrees with the Government that the conference should go forward, but to accommodate the defendant, it is rescheduled to December 9, 2021, at 3:15 p.m. If the defendant wishes for the proceeding be held remotely, counsel should let the Court know and it will enter an order with instructions on accessing the conference via Microsoft Teams. The Clerk of Court is directed to terminate Doc. #36.

SO ORDERED:



HONORABLE JESSE M. FURMAN

United States District Judge

November 30, 2021

cc: Sarah Mortazavi, Assistant U.S. Attorney